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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,977	02/28/2002	John J. Loy	4020 P 005	9041

7590 12/24/2003
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EXAMINER

GRAHAM, CLEMENT B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,977

Applicant(s)

LOY, JOHN J.

Examiner

Clement B Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on February 28, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negated by the manner in which the invention was made.

2. Claims 1-25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Reifer et al (Hereinafter Reifer U. S. Patent No 6,421,727) in view of Ginter (Hereinafter Ginter U.S. Patent No 6, 658, 568).

As per claims 1-13, Reifer discloses a method of utilizing a computer network based receivable clearinghouse for facilitating a transaction involving a receivable and corresponding invoice having payable and receivable information, the method comprising the steps of

receiving data comprising the invoice with the payable and the receivable information from a first participant involved in the transaction;

storing the receivable information in the receivable clearinghouse.(see column 1-5 line 5-65).

Reifer fails to teach generating electronic invoice information in response to the invoice received"from the first participant;

transmitting the electronic invoice information on behalf of the first participant to a second participant, the electronic invoice including one or more payment terms wherein one term requires payment of the receivable be sent to the receivable clearinghouse; receiving a payment from the second participant;

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recording receipt of the payment in the receivable clearinghouse; and, crediting the receipt of the payment to the first participant.

However Ginter discloses transmitting the electronic invoice information on behalf of the first participant to a second participant, the electronic invoice including one or more payment terms wherein one term requires payment of the receivable be sent to the receivable clearinghouse, receiving a payment from the second participant, recording receipt of the payment in the receivable clearinghouse; and, crediting the receipt of the payment to the first participant.(see 16 and 17 lines 5-65 and column 42-55 and column 133 lines 55-65 and column 134 lines 5-65 and column 135-136 lines 5-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Reifer to include Ginter in order to administer clearing functions across or within an electronic network and clearing rules.

As per claim 14-18, Reifer discloses a method of utilizing a computer network based receivable clearinghouse for facilitating delivery of invoice information, reflecting a receivable, between a first party and a second party, the first party being a full participant of the receivable clearinghouse, the method comprising the steps of. receiving the invoice information from the full participant; storing the invoice information in the receivable clearinghouse. .(see column 1-5 line 5-65).

Reifer fails to teach generating payable information in response to the invoice information received from the full participant, transmitting the payable information to the second party as an electronic invoice including one or more payment terms wherein one term requires payment of the receivable represented by the electronic invoice be settled

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through the receivable clearinghouse, receiving payments related to the receivable and related invoice and, recording receipt of the payment in the receivable clearing house. However Ginter discloses generating payable information in response to the invoice information received from the full participant, transmitting the payable information to the second party as an electronic invoice including one or more payment terms wherein one term requires payment of the receivable represented by the electronic invoice be settled through the receivable clearinghouse, receiving payments related to the receivable and related invoice and, recording receipt of the payment in the receivable clearing house. .(see 16 and 17 lines 5-65 and column 42-55 and column 133 lines 55-65 and column 134 lines 5-65 and column 135-136 lines 5-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Reifer to include Ginter in order to administer facilitating delivery of invoice information between parties and clearinghouse.

As per claim 19, Reifer discloses a method comprising the steps of providing a computer network based clearinghouse for trade account receivable and payable adjusting, payment term agreements, and a payment mechanism; and providing a forum within the clearinghouse that allows a receivable owner sponsor, on behalf of a receivable owner, to sell a receivable debtor obligation to other participants under clearinghouse rules and obligations agreed to by all participants. .(see column 1-5 line 5-65).

As per claims 20-24, Reifer discloses a computer network based receivable clearinghouse for facilitating a transaction involving a participant and an invoice, the invoice including payable and receivable information, the computer network based receivable clearing house comprising:

a data repository for holding the invoice information submitted by the participant, the data repository being accessible to a financial institution of the participant under clearinghouse rules and obligations agreed to by all participants. (see column 1-5 line 5-65).

Reife fails to teach a fund settlement apparatus for settling discrepancies involved with the invoice, the fund settlement apparatus being operably connected to the data repository wherein daily cash settlements between the clearinghouse and the participant occur, a data management and reporting apparatus for compiling data received from the participant and for reporting data summarized to the participant, including financial participants, the data management and reporting apparatus being operably connected to the data repository; and, a receivable trading apparatus for interacting with a receivable marketplace wherein the receivable represented by the invoice information can be offered for sale to other participants of the receivable clearinghouse, the receivable trading apparatus being operably connected to the data repository.

Howevrer Ginter discloses a fund settlement apparatus for settling discrepancies involved with the invoice, the fund settlement apparatus being operably connected to

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the data repository wherein daily cash settlements between the clearinghouse and the participant occur, a data management and reporting apparatus for compiling data received from the participant and for reporting data summarized to the participant, including financial participants, the data management and reporting apparatus being operably connected to the data repository; and, a receivable trading apparatus for interacting with a receivable marketplace wherein the receivable represented by the invoice information can be offered for sale to other participants of the receivable clearinghouse, the receivable trading apparatus being operably connected to the data repository. (see 16 and 17 lines 5-65 and column 42-55 and column 133 lines 55-65 and column 134 lines 5-65 and column 135-136 lines 5-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Reifer to include Ginter in order to administer facilitating delivery of invoice information between parties and clearinghouse.

As per claim 25, Reifer discloses an apparatus comprising:

a computer network based clearinghouse for trade account receivable invoicing, adjusting, payment term agreements, and a payment mechanism; and

a forum within the clearinghouse that allows a receivable owner sponsor to sell a receivable debtor obligation to other participants of the clearinghouse.(see column 1-5 line 5-65).

Conclusion

3 The prior art of record and not relied upon is considered pertinent to

Applicants disclosure.

Berent (US 5,774,873 Patent) teaches electronic online motor vehicle auction and information system.

Shintani (US Patent 5,668,591) teaches information terminal apparatus that is remotely programmed by radio waves and that displays input keys of program functions on a display.

Brown (US Patent 5,794,219) teaches method of conducting an online auction with bid pooling.

Fujisaki (US Patent 5818914) teaches auction information transmission processing system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Souh can be reached on 703-305-9779. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Franky T. Tond
REGISTERED MAIL
FIM 01/15/04
Au 3628